

REMARKS

Favorable reconsideration is respectfully requested.

The claims are 1, 2, 4 to 8 and 10 to 14.

The above amendment incorporates the feature of claim 3 in claim 1 and the feature of claim 9 in claim 7.

Additionally, claim 7 recites that the amount of Ta is 5.8 percent by weight or less based on the disclosure of alloy compositions in the Examples. See page 11 of the present specification.

Turning to the Official Action, the objection in Official Action paragraph 1 has been overcome by the above amendment.

Claims 7 and 8 have been rejected under 35 U.S.C. 102(b) as being anticipated by O'Hara et al. (U.S. 5,482,789).

This rejection is respectfully traversed.

All of the alloy components disclosed in Table 1 of O'Hara et al (U.S. 5,482,789) are unsuggestive of the chemical compositions defined by above amended claim 7 in the Ta amount of 5.8 percent by weight or less.

In addition, claim 1 of O'Hara et al. stipulates the lower limit of Ta as about 2.0 in atomic percent and it is disclosed that about 2.0 in atomic percent corresponds to about 5.8 weight %. However, when a chemical composition contains a plurality of ranges of a plurality of elements like the alloy of O'Hara et al., it is difficult to precisely convert from atomic percent to weight percent because of the innumerable combinations of each element and this is the case even in a three-element-combination including two unknown ranges. Accordingly, it is doubtful that "about 5.8 weight % of Ta" recited in claim 1 of O'Hara et al. really corresponds to 5.8 weight percent of Ta in his Examples.

Since the above amendment to claim 7 overcomes the 102(b) rejection based on O'Hara et al., the 102(b) rejection of claim 8 will be overcome for the same reason.

Claims 9 and 10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hara et al. in view of Cetel et al. (U.S. 6,007,645).

This rejection is also respectfully traversed.

Above amended claim 7 stipulates inclusion of both C and B by using the term "less than". Such term excludes the case where there is no content of either C or B, in other words, 0 weight% of C and B. In claim 10, the lower limit of C is 0.05 percent by weight and the lower limit of B is 0.01 percent by weight. Neither O'Hara et al. or Cetel et al. (U.S. 6,007,645) discloses inclusion of C and B in the chemical compositions of their alloys. Accordingly, the combination of O'Hara et al. and Cetel et al. would not render the subject matter of above amended claim 7 and claim 10 dependent thereon obvious.

Claims 1 and 2 have been rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hara et al. in view of Schweizer et al. (U.S. 4,222,794), Meetham et al. (U.S. 4,459,160), Yamazaki et al. (U.S. 4,707,192), Darolia et al. (U.S. 4,849,030) and Ault (U.S. 4,975,124).

This rejection is also respectfully traversed.

Claims 1-4 are patentable over O'Hara et al. in view of the other cited references because claims 7 and 8 are patentable over O'Hara et al. and claim 10 is also patentable over O'Hara et al. in view of Cetel et al. as discussed above. None of the secondary references overcome the above discussed deficiencies of O'Hara.

Claims 7 to 10 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 to 6 of U.S 6,966,956.

Further, claims 1 to 4 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 to 6 of U.S. 6,966,956 in view of Schweizer et al., Meetham et al., Yamazaki et al., Darolia et al. and Ault.

In reply, there is submitted herewith a Terminal Disclaimer which disclaims the terminal portion of any patent maturing from the present application which extends beyond the expiration date of U.S. 6,966,956.

No further issues remaining, allowance of this application is respectfully requested.
If the Examiner has any comments or proposals for expediting prosecution, please contact
undersigned at the telephone number below.

Respectfully submitted,

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